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Attorneys for Respondents

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAHESH KUMAR PATHAK,)	
)	No. C 07-4691 TEH
Petitioner,)	
)	
v.)	
)	DECLARATION OF ILA C. DEISS
MICHAEL CHERTOFF, Secretary of the)	
Department of Homeland Security;)	
EMILIO C. FLORES, Chief of)	
Correction, Santa Clara County, Department)	
of Correction;)	
NANCY ALCANTAR, Field Office Director,)	
Office of Detention and Removal,)	
Immigration and Custom Enforcement;)	
ALBERTO R. GONZALES, U. S.)	
Attorney General,)	
)	
Respondents.)	

Pursuant to Local Rule 7-5 and 28 U.S.C. § 1746, I, Ila C. Deiss, declare as follows:

1. I am employed as an Assistant United States Attorney for the Northern District of California and have been assigned *Pathak v. Chertoff*, C 07-4691 TEH. As such, I have personal knowledge of the following facts and could testify regarding these facts if called to do so.

2. At the inception of this case, the United States Immigration and Customs Enforcement ("ICE") provided me portions of Petitioner's Alien file.

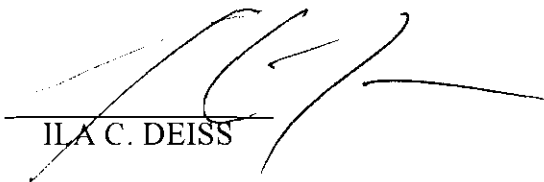
3. Attached as Exhibit 1 is a true and correct copy of a letter of denial to Petitioner's wife

1 from U.S. Citizenship and Immigration Services, dated April 20, 2007.

2 4. Attached as Exhibit 2 is a true and correct copy of Petitioner's Bag and Baggage letter,
3 dated May 1, 2007, reflecting his failure to surrender.

4 5. Attached as Exhibit 3 is a true and correct copy of the Declaration of Polly Kaiser,
5 Deportation Officer, dated August 3, 2007.

6 I declare under penalty of perjury that the foregoing is true and correct and that this declaration
7 was executed under the laws of the United States on this 15th day of October 2007, in San
8 Francisco, California.

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12 ILA C. DEISS
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